Before the

Federal Communications Commission

Washington, D.C. 20554

In the Matter of:
Elimination of Outdated and Unnecessary Regulations in the Broadcasting Industry

GN Docket No. 25-133

Comments of the LPFM Advocacy Group (LPFM-AG)

I. Introduction

The LPFM Advocacy Group (LPFM-AG) submits these comments in response to the Federal Communications Commission's (FCC) Public Notice seeking input on deregulatory initiatives to alleviate unnecessary regulatory burdens in the broadcasting industry. We commend the Commission's efforts to modernize regulations and promote investment, innovation, and competition in the communications marketplace.

II. The Urgency of Reforming NCE-FM and LPFM Regulations

Recent actions by FCC Commissioner Brendan Carr, including investigations into NPR and PBS for potential violations of underwriting rules, coupled with President Trump's calls to defund the Corporation for Public Broadcasting (CPB), underscore the need to re-evaluate the regulatory framework governing non-commercial educational FM (NCE-FM) and low-power FM (LPFM) stations. If federal funding for CPB is reduced or eliminated, these stations will face significant financial challenges. It is imperative that the FCC act to ensure these stations have a path to financial sustainability by revisiting content restrictions, particularly underwriting rules that may impede free speech and limit revenue opportunities.

III. First Amendment Concerns

The FCC's regulation of speech on NCE-FM and LPFM stations, especially underwriting rules that restrict the language broadcasters can use when acknowledging sponsors, raises First Amendment considerations. These rules impose vague and subjective restrictions on what constitutes a "call to action," pricing information, or qualitative descriptions, potentially creating a chilling effect on free speech. This is particularly concerning given that these stations are expected to be self-sustaining while being simultaneously limited in their ability to generate revenue through conventional commercial means.

IV. Economic Disparities Among NCE-FM and LPFM Stations

While all NCE-FM and LPFM stations operate under the same underwriting restrictions, NPR-affiliated stations benefit from grants from the CPB, private donors, and corporate sponsors who provide substantial financial support. Independent NCE-FM and LPFM stations, with the exception of some large religious broadcasters, often struggle to comply due to limited financial resources and lack of taxpayer funding. This disparity can result in smaller stations being disproportionately affected by fines for underwriting violations, potentially threatening their viability.

V. Recommendations for Regulatory Reforms

1. Delete Underwriting Restrictions on NCE-FM and LPFM Stations

Current Rule: 47 CFR § 73.503(d) and § 73.801

"No promotional announcement on behalf of for-profit entities shall be broadcast in exchange for consideration to the licensee, its principals, or employees. Acknowledgments of contributions can be made, provided they do not interrupt regular programming."

Proposed Change: Delete 47 CFR § 73.503(d) and § 73.801 in their entirety. Permit NCE-FM and LPFM stations to air full commercial advertisements, with the only limitation being a cap of 10 minutes per hour of advertising content. This ensures that stations can generate necessary revenue while maintaining their educational programming focus.

2. Reassess the One-Station Ownership Limit for LPFM

Current Rule: 47 CFR § 73.855(a)

"No entity may own more than one LPFM station. However, Native American tribes may own up to two LPFM stations."

Proposed Change: Modify 47 CFR § 73.855(a) to allow all LPFM licensees to own up to two stations, ensuring fairness and inclusivity for all applicants. While the original rule allowing Native American tribes to own two stations was well-intended, it does not align with the fundamental principles of broadcasting, where service should be equally accessible to all communities. Limiting ownership to two stations preserves the intent of LPFM as a hyper-local service while enabling sustainable operation and regional service expansion.

3. Align Power Restrictions for LPFM with FM Translator Rules

Current Rule: 47 CFR § 73.811(a)

"LPFM stations are limited to a maximum effective radiated power (ERP) of 100 watts."

Proposed Change: Modify 47 CFR § 73.811(a) to increase the maximum allowable ERP for LPFM stations to 250 watts and adopt the same contour-based spacing rules as FM translators. This ensures that LPFM stations follow established engineering standards that effectively minimize interference while maximizing signal coverage. This aligns LPFM stations with FM translators, improving signal coverage and service quality without increasing interference.

4. Remove Restrictions on NCE-FM and LPFM Stations Raising Funds for Third-Party Nonprofits

Current Rule: 47 CFR § 73.503(e)

"Noncommercial educational FM broadcast stations may interrupt regular programming to conduct fundraising activities on behalf of third-party non-profit organizations, provided that such activities do not exceed one percent of the station's total annual airtime."

Proposed Change: Modify 47 CFR § 73.503(e) to remove the one percent annual airtime limitation. This enables stations to more effectively support local charities, disaster relief efforts, and community projects, enhancing their community role.

VI. Conclusion

As CPB funding faces renewed scrutiny and possible reduction, the FCC must act to ensure that NCE-FM and LPFM stations can sustain themselves without government support. Allowing full commercial advertising with a time-based cap (rather than content restrictions) would provide an immediate path to financial stability. Stations would need to earn their funding, ensuring their content reflects local audience preferences. Additionally, small businesses would gain new, affordable advertising opportunities, keeping more revenue circulating in local economies.

The LPFM Advocacy Group respectfully urges the FCC to consider these recommendations to create a regulatory framework that allows NCE-FM and LPFM stations to thrive in a changing funding environment.

Respectfully submitted,

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